

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DEVIN FLOYD,

Plaintiff,

v.

SABER FITNESS HEGENBERGER, LLC,

Defendant.

Case No. [24-cv-01278-TSH](#)

**ORDER RE: MOTION FOR ISSUANCE
OF SUBPOENA**

Re: Dkt. No. 138

Plaintiff Michael Devin Floyd has filed a motion for issuance of a subpoena for non-party Kathryn Zorb to testify at trial. ECF No. 138. However, a court order is not required for a subpoena to testify at trial. Instead, the request must be submitted directly to the Clerk of Court. *See* Fed. R. Civ. P. 45(a)(3) (“The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service.”). Accordingly, Plaintiff’s motion is **DENIED WITHOUT PREJUDICE** to submitting a request through the Clerk’s Office pursuant to Rule 45.

IT IS SO ORDERED.

Dated: October 16, 2025


THOMAS S. HIXSON
United States Magistrate Judge